

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF FEBRUARY 16, 1989

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, February 16, 1989 at 8:00 p.m. at the Commission's offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Martha's Vineyard Hospital
c/o Schofield Brothers
97 State Road
P.O. Box 339
Vineyard Haven, MA 02568

Location: Off Linton Lane, Oak Bluffs, MA.

Proposal: Construction of a parking lot qualifying as a DRI since the proposal is within the Coastal District DCPC.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the M.V. Hospital Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Tom Bales, MVC Staff, to make his presentation.

Mr. Bales reviewed staff notes (available in their entirety in the DRI file). He showed a video of the site depicting the Hospital site with the surrounding land uses, accesses/egresses, and proposed site for the parking lot. He referred the Commissioners to maps in the staff notes as follows: site plan submitted by applicant, the map depicting Flood Insurance Zone A (100 year flood) and Lagoon Pond DCPC, the next map shows the location of Beach Road and Lakeville Ave the proposed and existing parking and the two abutting neighbors. He reviewed correspondence (available in the DRI file) from Mrs. Bowen, dated November 28, 1987 and Mr. Barbini, V.P. Schofield Brothers. Mr. Bales then answered questions from the Commissioners.

Mr. Evans, Commissioner, asked, it was stated that traffic will not be increased by this proposal and it will serve to alleviate existing parking problems, are people now parking in areas that have detriments or is it just inconvenient? Mr. Bales responded that they are presently parking in areas that are not designated for parking, such as on the Hospital Road. Mr. Young added that they are also parking on the grass area that this lot is proposed on.

When there were no further questions for Mr. Bales, Mr. Young called on Mr. Barbini, agent for the applicant, to make a presentation.

Mr. Barbini stated that if you drive through there, as I did today, you will see they are currently parking on lawns, grass strips, anywhere they can find. We are trying to find a parking area to alleviate this and keep the fire lanes clear as well.

Mr. Filley, Commissioner, asked if there is sufficient room to meet Mrs. Bowen's request of erecting a fence or a screening row of hedges or trees? Mr. Barbini stated that she stated she would be satisfied with the plantings we propose for this area.

Mr. Lee, Commissioner, asked about the lighting statement in his letter? Mr. Barbini stated that there is mercury vapor lights now and the lighting is proposed to match this.

Mr. Jason, Commissioner, asked about the existing number of spaces? Mr. Barbini stated 135 with 7 being handicapped. Mr. Jason then asked how many are required? Mr. Barbini stated he didn't know the exact number, but more than we have now.

Mr. Evans asked if the lot near the emergency room was generally full when the problems are happening on the other lot? Mr. Barbini stated that the front lot is primarily for doctors offices and is therefore generally more full.

Mr. Lee asked if you can access the back parking area (emergency parking lot) through the front access on Beach Road? The response was negative. You have to drive all the way around. Mr. Lee stated he has seen this as a problem, you drive in see that the lot is full and then have to drive all the way around to the other lot. Is there anyway to make this lot accessible from the front of the Hospital? Mr. Barbini stated this would be a problem because the corner area there is access for ambulances and they don't want any traffic in that area.

Ms. Allen, Commissioner, asked if there will be new handicap spaces allocated? Mr. Barbini responded there are none allocated now.

Mr. Early, Commissioner, asked if there are presently curb-side, handicap spots near the main entrance? Mr. Barbini responded 4. Mr. Early asked if they are kept clear? Mr. Barbini responded yes. There was discussion among Commissioners about the adequacy and availability of these handicap spots.

Mr. Evans asked is it true that this entire area will be a hot-top area? Mr. Bales responded there is some break between these spots and a buffer.

Mr. Young stated that one question addressed at LUPC was the grass strips that run down through this area and asked if it would be possible to plant trees in these strips? Mr. Barbini stated that in the letter they stated they would plant these strips with vegetation

similar to the buffer strips but probably with lower bushes rather than trees.

When there were no further questions from the Commissioners Mr. Young called on Town Board testimony. There was none. He then called on public in favor of the proposal, there was none. Mr. Young then called on public testimony opposed to the project.

Mr. Lincoln Pope, stated he is related to the Downing's, abutter to this proposal. Their property runs directly around this proposal. They have accessed their parking through this grass strip for 20 or 25 years. This will affect how they will get to their house, where they will park, and how close this will come to the front door of their house. I understand they have verbal agreements with the Hospital regarding the parking spaces and the gate that accesses their house.

Mr. Barbini responded it is his understanding that the Downing's access is through Linton Lane. Concerning the fact that they have been driving through this piece of land for 25 years that is not their piece of land, I had no idea. There was discussion about the location of this house, the gate the Hospital built on Linton Lane, and the problems with the gate being blocked by cars parking there. The distance from the edge of the parking lot to the front door was given as 45 feet and that the vegetative buffer would be 10 feet wide.

Mr. Young asked Mr. Pope if he knew whose property the trees are on? Mr. Pope stated he had looked but was unable to locate the markers. Mr. Young asked if the designated access for the Downing property was off Linton Lane through the gate? The response was yes, and that is maintained by the Hospital.

Mr. Young stated that after the hearing is closed the record will remain open for one week and I suggest the owners of that property write their concerns and submit them for the record. However we will look into this. He then stated that they were notified of this public hearing and checked the address with Mr. Pope.

Mr. Evans asked if Tisbury or Oak Bluffs Conservation Committee referred this? The response was Oak Bluffs. He then asked if they had any comments or concerns from this Committee? Mr. Bales stated he had conversations with them and their only comment was that this was better than previous plans they had seen. Mr. Evans then asked for an explanation of the catch basin plans and how they address the Conservation Commission's concerns for this area? Mr. Barbini stated that the reason this was referred was because it is within the 100 year flood so their interest is wetland protection. This parking lot is not going to change the flood characteristic of the area. First of all because it is so small in relation to the Atlantic Ocean. Secondly we are not adding any topography to it, so we are not reducing the flood storage capability of the land.

Mr. Early stated that the only reason this is before us is because it is a parking lot of over 5 parking spaces within the Coastal Zone and the Conservation Commission had no choice but to send it to us because

it is an item on the checklist, is that correct? The response was yes. Beyond that I don't see that we should be concerned with their further interest in that, they have done their duty.

Mr. Jason stated we should be concerned, it is in the flood zone. We are going to take a perfectly usable piece of grassy land, pave it, cover it with asphalt and probably increase the probability of contamination of the groundwater. We should be looking for an alternative to paving this area. Perhaps rocks, gravel, etc. We have suggested this to the applicant before. The response was that this land slopes and if we use rocks, gravel, etc. we will still need a catch basin. Mr. Jason asked can't you make it a gentler slope? The response was you would have to cut 8 ft. and put a concrete retaining wall in. I am sure the neighbors wouldn't prefer a 8 ft. retaining wall outside their homes.

There was further discussion about a new paving stone, like a porous concrete block, and the possibility of using this material in place of asphalt. There was also discussion about the current flow of rainfall in the area. The applicant stated that even using the most porous blocks they would still have to contend with a much greater slope than would be necessary to eliminate the need for catch basins. From an engineering standpoint he would not install these blocks without a catch basin and be able to tell the neighbors that runoff isn't going to hit their property.

Mr. Evans stated that eliminating the catch basin is only one reason to use porous blocks. Porous blocks also allow grass to grow within and around the blocks creating the illusion of a green field rather than an expanse of black top. It would also preserve the eco-climate. The abutters might be more responsive to this type of aesthetic design. Mr. Lee, Commissioner, agreed that this should be explored as an alternative given the size and location of the parking lot.

When there was no further public testimony Mr. Young called on the applicant to make a final statement.

Mr. Barbini stated that again concerning the surface, if it is for aesthetics it is a different issue than the drainage issue. The leaching catch basins will still have to be at the bottom of the hill from our calculations to protect the neighbors property. Mr. Young asked Mr. Barbini if he is familiar with these blocks and if he could do runoff calculations based on this material? Ms. Sibley reiterated the point that these blocks would probably generate less heat than the blacktop. Mr. Barbini stated that he didn't know exactly but since they are not black they must be cooler.

Mr. Evans suggested obtaining information concerning the comparative merits of the porous block material.

On a concensus vote the Commissioners decided to continue the public hearing until such time as information can be obtained concerning this

material and past performances. The hearing was continued at 8:55 p.m. with the continuation date to be announced at a future time.

Mr. Young then moved to the next public hearing regarding the following Development of Regional Impact (DRI):

Applicant: U.S. Army Corps of Engineers
Anthony Riccio, Representative
Project Management Branch
424 Trapelo Road
Waltham, MA 02254-9149

Location: South Beach
Atlantic Drive
Edgartown, MA

Proposal: Ordinance removal within and seaward of the dunes qualifying as a DRI since the development relates to a publicly owned facility which serves the residents of more than one town.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the South Beach Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Melissa Waterman, MVC Staff, to make her presentation.

Ms. Waterman reviewed staff notes (available in their entirety in the DRI file). Ms. Waterman used wall maps to denote the area of the beach this DRI covered. Ms. Waterman showed a short video giving the Commissioners an idea of the erosion currently existing on the beach. She reviewed the two parts of the removal proposal: Area beneath the dunes and area seaward of the dunes to the mean low water. Correspondence (available in their entirety in the DRI file) was summarized from Melanie Hagopian, Legal Counsel, DEM, TO: Carol Borer, MVC, dated February 10, 1989; TO: Jane Varkonda, Edgartown Conservation Commission, dated February 10, 1989; and TO: John Simpson, Div. of Wetlands and Waterways, DEQE, dated February 8, 1989. The following development concerns were raised: Which routes will the heavy equipment take to reach the dune/beach area? Who will do the dune revegetation? Who will monitor and replace the grass over one year period? Can the ACOE guarantee a five year monitoring program? Where will any borrowed sand come from? Is it better to stockpile the dune material directly behind the dune line or on already bare areas, such as roadways or parking spots? What effect will the excavation below the high water mark have on the erosion/accretion cycle of South Beach? Would it exacerbate the extreme erosion South Beach has experienced over the last year? The following suggestions were made: Monitoring and replacement of beach grass should be done by local nursery and not be Parks Dept. personnel. Consideration should be given to revegetation of some of the parking and roadway area now blocked by the Parks Dept. Surveys of existing dunes configuration should be given to the Conservation Commission and/or the MVC. The

chain link fence absolutely should remain up for a year after revegetation is complete. Who will remove the fence after a year's time? Ms. Waterman then answered questions from the Commissioners.

Mr. Lee, Commissioner, asked if there is any configuration that might be more advantageous than what is currently there that could be installed when this area is rebuilt? If they are going to reconstruct the dunes perhaps they should be larger or further back. Ms. Waterman stated that the applicant would be better able to answer that.

Mr. Fischer, Commissioner, asked the fencing referred to on page 2 of the staff notes was snow fencing? I would think they would need more than one. Ms. Waterman stated she has heard it is best to originally use two and then as the sand builds up to put one in the middle to form a peak. Perhaps we should ask the applicant for further clarification.

Mr. Young then called on the applicant to make his presentation.

Mr. Riccio, representative for the applicant, stated that he wants to begin with what has been done to date, what has been found out there, and how the plan was formulated as they went along. In November the Army did the back side of the dunes, he showed the area on a wall map, denoting the approximate 1,000 ft. area westerly from the chain link fence and the type of ordnances found out there. For 2,000 ft. they found nothing and therefore have recommended that nothing more be done in this area. In the easterly end we found a heavy concentration, which indicated to the Army that there were probably two approaches at this target range when they were flying. So their recommendation to us was to dismantle the dune areas immediately in front of the areas of high concentration with a certain amount of buffer on each side. So basically we are talking about 1,000 ft. of dune of the easterly end and 1,000 ft. of dune on the westerly end. What they found was over 600 pieces of ordnances. The majority of these were practice bombs with absolutely no potential for danger other than them being a sharp object. During World War II however, there were time when they actually ran out of these practice bombs and used the 5 inch warhead. Records which the Navy has, which are incomplete, show that these warheads were either filled with concrete or sand. But since the Navy's records are not complete, there is no guarantee that there is nothing out there other than dummy warheads. For this reason the Navy will not say that this area is completely safe from any live ordnances. The Army Corp of Engineers is acting on behalf of the State, by public law this is considered a hazard. We are doing what the owner's of the property would like to see done and we are mandated by law to do this. I would not like to say that there is nothing out there that is live nor is the Navy prepared to do so. We therefore proceeded with the back section and have found approximately 50, 5 inch warheads, none of those were live. We are planning to go forward with the dune and the seaward side. The Navy did do some preliminary work on the seaward side last September and did find approximately 50 pieces in a one week period and estimated that there would be somewhere in the range of 500 pieces seaward of the dunes. Again they did not find anything live. They did suggest because of the dynamics

out there that although we are only doing 1,000 foot sections at the easterly and westerly end, they still want the entire stretch of the beach checked since some ordnance have fallen out of the dunes. For that reason also as the Army moves westerly the Navy will follow along to be sure that the entire section is cleared at one time. Some of the notes I picked up during Ms. Waterman's presentation are: the dune is 1.5 acres, however there is an additional 5.2 acres of area seaward of the dune, so the total is close to 7 acres. On page 2 the mention of 200 lbs. of 10-10-10 granular fertilizer/acre is being changed to 80 lbs. Further on page 2 the statement that the dune will be restored within a day if possible, I think that may be a little confusing. We intend to break down 200 ft. intervals of the dune at any one given time. It may take more than a day to tear it down, break it up, clear it and build it back up. The intent of our statement was that we would be breaking down an area no larger than that which we could restore in one day's time in the event of a predicted storm. We don't want to have any breaches in a dune at any given time because if there is a storm we don't want water coming in the back way. Reasons we lean toward stockpiling the materials behind the dune rather than moving it to the parking areas would be 1) it would be accessible for putting back quickly, 2) but also because following the pattern already formed this area will already have been disturbed so it is not causing further disruption. We expect to find the same progression throughout the dune. This will also minimize the heavy equipment moving over the area. Concerning the questions of relocating the dunes and changing their configuration. We did look at that, moving them back so that we could have some sort of buffer in front of the dune. The problem with that is that the dune system is part of a much larger system and to change the configuration of this section will change the configuration of the whole alignment of the larger system. We feel that would be more detrimental than putting it back in the same location. The dunes will follow their natural progression. It seems to be a progressive erosion and it will continue that way whether we are there or not. The State goes along with that DEM feeling on that. So we will build it back on the same alignment. The process of revegetation is important and why we want to get out there by the 15th of March. If we prolong it for any period of time we will miss the planting season of Spring, mid-April, and then we would have to wait until fall. We are hiring a nursery to plant the vegetation. We don't plan on using Park employees for that. The contractor we hire to do the vegetation will be monitoring it for one year. Other people on the Island in addition to us will be monitoring it. The Conservation Commission as well as the Army Corp of Engineers have agreed that sieving the sand is of concern and therefore we do not intend to sieve the sand. Reviewing the concerns: concerning the routes for the heavy equipment we are agreeable to any route the Conservation Commission chooses. What they have asked us is to enter where the road comes closest to the water. They can stake or flag their preferred routes out prior to commencement. Concerning who will do the revegetation, we will hire a nursery, who we will monitor. Concerning can ACOE guarantee a five year monitoring program, the answer is no. We recommend it but we are funded fiscally and can not guarantee funding past the current fiscal year. The program is a public law, we don't expect it to go away, so we don't see it coming

to an end. However, we will have to go back annually to obtain the funds. We have tried to work out with the State that they will fund the monitoring in any year we can not obtain the funding. As far as material, we did a sand source inventory on the Island, there is sand available. It is a burrow area close by that is a processed sand so we will be able to match it closely. Any sand that we use to supplement what is lost will bleach out to match the existing sand. To minimize any differences we will be mixing supplemental sand with existing sand and put it on the lower layers. I have already addressed the issue of whether it is better to stockpile the materials behind the dunes rather than in existing parking areas. Concerning the excavation below the high water mark we do not anticipate any increased erosion/accretion due to the slow method in which we will do this work. We intend to put it back in place as we go. We will provide the Conservation Commission with the surveys.

Ms. Colebrook, Commissioner, asked about the removal of the chain link fence? Either the ACOE or the State will be responsible for the removal.

Mr. Lee, Commissioner, asked the burrow sand is it coming from an inland source? Yes, from an Island, it is from a processed sand company but we have been told by geologists that it is from the same layer of sand that the South Beach sand is coming from. It is from the same geological layer. Mr. Lee then asked what constitutes a cross-section survey? The response was that every 50 ft. we will do surveys of such as the one here, lines of survey data taken across the dune down over the top and down the back side. We will survey prior to disruption of the dune and attempt to put it back to the original state.

Mr. Jason asked how far down the ordnances have been found? The response was as far down as 8 ft., into the Katama layer. Mr. Jason then asked if they have done any similar projects? The response was no, not in New England. Mr. Jason asked have you done any elsewhere? The response was our jurisdiction is only New England. He then asked how much do you anticipate this will cost? Right now we are only paying for the lodging for the military and my travel time. What it will cost us to do the back side is probably \$50-75,000. Mr. Jason then asked the fence will be another \$30,000? Yes. Mr. Jason then asked isn't there anyway you can just sweep the beach once a year? You could but as the beach erodes the ordnances will continue to fall out. The Army and the Navy is not in the business of sweeping the beaches, they are available if ordnances have to be found. For the Army and Navy to come down on a yearly basis is not probable, perhaps the town could do it. It is a large project considering the likelihood of anything being live.

Mr. Fischer recommended using more snow fencing. Mr. Riccio stated they can look into that. I imagine the use of one fence was based on the narrowness of the beach.

Mr. Evans stated that he understands from your presentation that the dramatic erosion over the past few years may have caused ordnance to

be further down the beach to the east. What prevents that from being uncovered by further erosion? Mr. Riccio stated there is probably stuff below the mean low water line. Mr. Evans then asked would the material down the beach to the east possibly be uncovered later? We are not sure.

Mr. Young asked how far is the distance between the glacial till of the dunes and the mean low water mark? It varies from 2 ft. to as high as 10 ft. When I was there yesterday there didn't seem to be much coverage on the westerly end as it appeared earlier.

Mr. Jason asked how far down is detection possible? The Army has detected as far down as 8 ft. The Navy is limited in their detection by the water, perhaps they have a 4 ft. radius with any degree of accuracy. He stated it is a ferrous type locator. We have had problems chasing after rocks with high metal content. The sand cover on the beach side, as you get closer to the dunes, there is very little glacial till. Probably 6 inches to 1 ft., however as you get closer to the mean low water line there is a deeper sand cover. Mr. Young ask so the area near the mean low water line will be the most difficult? Yes both because of working around the tides and the fact that the sand layer is deeper here. Mr. Young then asked what will happen if you locate an ordnance but because of the depth and the tides you can't remove it? We will flag it for removal at a later time and survey the area.

When there were no further questions from the Commissioners Mr. Young called on State Agencies to make presentations, ask questions or give testimony. There were none. He then called on Town Boards, there was no response. He then called on members of the public for questions or testimony.

Tom Wallace stated I understand the need to close portions of the area next summer to allow the revegetation but does that include closing portions of the beach after the ordnances have been removed? The sandy portion between mean high and low tide? The response from the applicant was no. We hope that if we start in the Spring and with the weather permitting that the beach will be open in the summer but the dunes will be off limits. Mr. Wallace stated he is wondering if the Commission will address itself to this issue, i.e. if the beach is open for summer it will be hard to keep the public off the dunes. Ms. Waterman stated that with the fencing installed it should be possible. There were further questions about whether or not the Army feels fairly sure that they have found all the spots that need ordnance removal? The response was that the target ranges as it was in World War II runs behind this road. We are fairly certain that ordnances will be in these target ranges. It was then asked if they have swept the whole area? The response was yes.

Mr. Morgan asked who the other two people present are? Mr. Riccio introduced Judy Johnson, biological environmentalist with the Army Corp. of Engineers and Melanie Hagopian, Attorney for DEM.

Mr. Young stated that in the interest of expediting this we do have it on the agenda for a vote later on this evening. Mr. Young then closed the public hearing and the record at 9:50 p.m.

Mr. Early opened the regular meeting and proceeded with agenda items.

ITEM #5 - Discussion - Ordnance Removal DRI, South Beach

Mr. Early reminded the public that this discussion period was for the Commissioners only and that the only public input would be at the request of the Commissioners through the chair. He then introduced Carol Borer, Executive Director, to review an administrative matter.

Ms. Borer stated that with the application a letter was received from Joseph L. Ignazio, Chief, Planning Division, Army Corp. of Engineers, requesting a waiver of the filing fee requirements pursuant to section 2.50 (3) of the DRI Regulations. Commission regulations say that if a governmental agency is a DRI applicant they may request in writing a waiver to our filing fee. If the Commission decides that the DRI is for the health, safety, and general welfare of the Island the Commission may by majority vote grant said fee waiver before making a decision on the project. We have to determine that before we make any decision.

It was motioned and seconded to waive the filing fee. There was no discussion. The motion to waive the filing fee carried with a unanimous vote.

There was no further discussion.

ITEM #6 - Possible Vote - Ordnance Removal DRI, South Beach

It was motioned and second to approve this proposal as presented. Ms. Colebrook and other Commissioners wanted to thank the applicant for an excellent, informative presentation. Mr. Evans stated his only concern is that with all this heavy equipment running like mad, that they don't remove any more dunes than is necessary as stated in these specifications. Mr. Morgan stated that he remembers this test bombing very well and the bombs were never dropped in the beach sand. It was all pasture and Katama land. They were dropped hundreds of feet out away. The dunes at that time were 15-18 feet above the beach. There was no further discussion. This motion passed unanimously, no abstentions. (Allen was in favor.)

After a brief recess Mr. Early reconvened the meeting and proceeded with agenda items.

ITEM #1 - Chairman's Report - There was none.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of February 9, 1989

It was motioned and seconded to approve the draft minutes with the following corrections: Page 3, ITEM #1, change Mr. Albert to Mr. Fischer; Page 7, ITEM #5 - Discussion, Bourne DRI, add statement from Commissioner Lee as follows: Mr. Lee stated that he doesn't think we should encourage building in the flood plain, at all. The draft minutes were approved with these corrections there was no opposition, 2 abstention (Fischer, McCavitt). (Allen abstained.)

ITEM #4 - Committee Reports

Mr. Early stated that regarding his proposal for the Comprehensive Island Plan Advisory Committee he has learned that Mr. Filley and Ms. Harney are agreeable to be the co-chairs and the other members are agreeable also. Therefore the Committee is appointed as follows: Mr. Filley and Ms. Harney, Co-chairpersons, Mr. Evans, Ms. Colebrook, Ms. Bryant, and Mr. Fischer as members. He will have handouts distributed to this Committee as soon as possible.

Mr. Early asked Mr. Morgan, Commissioner, as our legislative liaison to update us on some of the matters that are before the general court that may have an impact on this Commission.

Mr. Morgan stated that maybe the one that will have the most impact and might have a good chance of going through is House Bill #2547. I mention the house bill number because if anyone wishes to write they should write to the Committee referencing this number. If anyone is interested in attending the hearing it will be held on March 1st, I can furnish the room number at a later time. This particular bill has to do with increasing the excise tax on deeds in Dukes County. This is a brain storm of Mr. Freidman, MVC Administrator, and Ms. Borer, Executive Director. I then followed through and wrote the bill and filed it. Last year \$461,000 was sent to the State as a result of the \$1.28 tax. Unfortunately for us when the charter became a reality on Cape Cod part of the charter allowed them to increase the excise tax and I think we could take that lead. The other bill the Martha's Vineyard Commission had prepared by Choate, Hall & Stewart is House Bill #2488. The hearing for that one is March 22nd. This might be the best moped bill we have seen so far. It gives the County authority to rule and regulate but only after public hearings are held. As we all know it have been difficult to get any moped bill through. Another bill that we have filed for four or five years that I am familiar with, it might have been filed even longer than that, is House Bill #2470. It is asking the Department of Environmental Management to set aside roughly 1,800 acres in the State Forest for future well fields for Martha's Vineyard. It dies a very rapid death each year. We have a few things going for us now. In fact, Dick Kendall is there, and anyone who writes or calls should remind anyone that you are speaking to on this that all we are asking for on Martha's Vineyard is for them to say that they would consider it. It should be surveyed and that all that would be done is to get water from it and it probably is one of the few things you could do in the Forest that would not require an above ground structure. We could

conceal it below the surface. Eric Turkington has worked particularly hard on this and we hope we can get it through. There are several others but these directly relate to the Commission and what we stand for.

There were no Joint Transportation or Planning and Economic Development Committee reports.

Mr. Early reported that the Executive Committee held a meeting on Monday to discuss one issue that was left unresolved at the last meeting. Namely whether or not to have counsel attend this meeting. The Executive Committee voted unanimously that it would be better to wait for the annual visit which usually occurs in April. That way everything can be taken care of in one meeting, with one bill.

Jim Young, Chairman of LUPC, reported that they met on Monday concerning two of the issues already addressed tonight, the Hospital and South Beach. We also met to come up with a recommendation for the Vineyard Crossing DRI. During the discussion period later on this evening Ms. Skiver, MVC staff, will brief you on what occurred at that meeting. Representatives from Tashmoo Woods were in attendance and said that they did not receive the notification of the public hearing and that they wanted some input. There was some question among LUPC members as to whether or not the input from the Tashmoo Woods representative and the responses required from the applicant might not necessitate a supplemental public hearing. After Ms. Skiver gives her presentation under Item #5 we can discuss whether or not we think that is necessary. Also Jeff Young was here with Sam Sherman with a conceptual idea for the Dreamland garage building in Oak Bluffs. We suggested that he come and show the full Commission what he showed us at LUPC. What they are looking for is any kind of input from any boards to direct them either in the direction they are headed or away from the direction they are headed. So Mr. Sherman has a presentation for us, this will be 10-15 minutes and then he can answer any questions that you may have.

Mr. Sam Sherman, Senior associate of Neils Gabel-Jorgenson Architects, we are representing Jeff and Kate Young and presenting our preliminary renovations to the existing building referred to as the Dreamland Garage. The building is on a lot of 11,894 sq. ft. with frontage on Oak Bluffs Ave. and parking access is from the rear off Pasque Ave. There is a sprinkler system in the building. The footprint of the building is approximately 6,500 sq. ft. The building is a two story structure now and the most recent use has been for jeep and moped rental on the first floor and the upper floor was the Game Room run by Brian's Amusement. We are proposing a 5,400 sq. ft. addition on the building which would be the 3rd floor. As designed the 3rd floor addition would be set back from the footprint of the building. We feel it is in keeping with the style of the building and the design. He distributed plans. There will be a complete upgrading of the interior and exterior of the building with the first floor (again this preliminary, there are no tenants, the building is not owned presently by the Youngs) we propose to open up the building thru for pedestrian access from the parking area in the rear and from Oak Bluffs Ave. and

possibly have retail or office space on the first floor. We would be adding an elevator to the building for handicap and elderly access to the upper floors and new stairways both interior and the second means of egress in the rear of the building. He used plans on the wall to depict these proposals. The second floor would possibly be developed, we envision, with an atrium or open shaft way to the roof and the skylights on the roof which would have metal or ornamental metal work on the stairs similar to the front of the building with the balcony. So you would be able to access this either by elevator or by a double stairway. The second floor might be up to a 30 seat restaurant, that is the figure George Wey came up with in analyzing the potential septic system, with its own kitchen area and perhaps some retail and office spaces to the rear, again with new plumbing. The sprinkler system would be maintained and new fenestration on both the front and rear in addition to a new balcony and egress on the rear of the building. The third floor, which as you can see sits back from the building footprint and has a hipped roof on it, which will minimize the impact from the street, would be rooms for rent which would be connected and run out of the Surfside. They would be accessed in the evenings by elevator only when the lower floors are shut off to public use. We have done several sketches showing the exterior elevations from both the front and rear of the building. We were asked on Monday to do a sketch showing the entire length of Oak Bluffs Ave. which I will pass around. This sketch shows the view of the street from Oak Bluffs Ave. including the addition to the diner and also including the 4 room addition to the Surfside currently before the Commission, not part of our project. This view is based on photographs so you can get a true sense of the size of the buildings and the scale. This would be going to the Zoning Board of Appeals to deal with height restrictions and parking requirements. There has been a 21-E preformed which I understand has favorable results. There are two existing gasoline storage tanks underground in the rear of the building which would be removed. I think this would be to the benefit of the local environment. As well as changing the use of the building from something that is very seasonal, and in my opinion unsightly, to something that is a lot more appropriate to a downtown business area. Again this is just one possible scheme. As tenants present themselves as a reality we will be dealing with the zoning and use issues. This is just a preliminary look at this point.

Mr. Early stated that this is a rather unusual procedure but probably very worthwhile. So if we have any questions, specific questions for Mr. Sherman or specific issues we would like to see raised by LUPC please bring them up now.

Mr. Lee, Commissioner, asked for a brief history of the building prior to its last use. Mr. Sherman stated that currently there are jeeps parked in the building and it is used for jeep and moped rental in the summer with jeeps parked on the sidewalk. Before that it was used as a garage for repair and storage of vehicles. Mr. Lee then asked as of now the Youngs do not own this building? Mr. Sherman stated no. This exercise and preliminary study is being done to determine if it would be feasible for them to purchase this building and go through with this rather than committing themselves to the project and then discovering

that what they want to do can not be achieved. Mr. Lee then asked what the total height of the structure will be? Mr. Sherman stated 40' to the top of the hip roof not including the central skylight structure over the shaft. One of the reasons we did the sketch was to illustrate the height with the context of the buildings on the rest of the street.

Ms. Allen, Commissioner, asked how many rooms are proposed for the third floor? Mr. Sherman responded 13 with one handicap accessible room and one handicap accessible bathroom on that floor.

Mr. Filley, Commissioner, stated he doesn't have a lot of reaction to this specific building however he has more reaction to this whole area where we are seeing some fairly major changes. I don't know if it is possible but I think it would be helpful to (A) hear the input from the people of Oak Bluffs as to how they feel about the area and (B) have some direction for the entire block. Maybe we need to look at this as a whole because it is a significant area of Oak Bluffs. Mr. Sherman stated yes it is and we will be in touch with Duncan Ross of the Architectural Review Committee and the other boards, this is our first stop.

Mr. Wey, Commissioner, stated that he thinks a good idea would be to bring this before the Selectmen at their next meeting. I think it is very important that this be done. I am also concerned about the height, especially in this area. You can see it conceptually on the sketches but a sketch showing actually heights might be useful.

Mr. Lee asked with proposed 13 rooms on the third floor and a 30 seat restaurant on the second floor, are there any other bathroom facilities for the first floor? Mr. Sherman responded only to service the retail area. Mr. Lee asked what would be the size of the septic system required for this? Mr. Sherman stated the system has not been designed as of yet. However George Wey felt that 30 seats would be appropriate for the size of the lot and potentially we could meet it with a septic system.

Ms. Sibley, Commissioner, asked why they chose to use ornamental iron work, which doesn't seem to be a native decoration, instead of the traditional Oak Bluffs ornamental woodwork? Mr. Sherman responded there were two reasons: one is the period and field of the building is not in the context of Oak Bluffs itself. We didn't want to take this concrete building and shingle it and pretend it is something it isn't. I also felt in choosing this that it would be reminiscent of the Tabernacle and the interior light metal work in that.

Ms. Colebrook, Commissioner, asked if you were to exclude the square feet of the restaurant and the hotel, how much square feet would you have for retail space? The response was 6,500 sq. ft. on the first floor, that is the entire foot print of the first floor, not subtracting for the corridor. The second floor would probably be another 4,000 sq. ft. but this was not calculated.

Several Commissioners asked about the septic system location, is it on the lot? The response was that the existing system is on the lot, the new would be planned on site. The lots although owned by the same person would not be joined.

Ms. Colebrook stated she has guesstimated the septic at approximately 17,500 gallons per day. That is including the restaurant.

Mr. Evans stated that we are seeing requests for so many new bedrooms in this area. I am wondering if we have the information we need to feel comfortable with what the Harbor is getting as a result of these continuing expansions without definite plans for the sewage.

Mr. Early asked to keep the discussion to specific issues we want to see addressed by the applicant at LUPC. We don't have an application before us at this point, we have a concept. This may or may not be the best way to proceed with this type of development.

Mr. Jason stated that he thinks Mr. Evans is making a good point. Maybe we should be asking for an environmental impact study to be done of this area.

Mr. Young stated that he thinks what the applicant is looking for at this point is our reaction to this concept. Whether or not we think it is a good idea, whether or not we think it is too big, whether or not we approve of the uses proposed, whether this is a good direction for him to proceed in?

Ms. Allen asked if we have received an opinion or reaction from the Architectural/Historical people? The applicant stated they would be going to them in March.

When there were no further comments Mr. Sherman thanked the Commission for its time.

Mr. Young stated that LUPC does not meet next week. They will meet on the 27th to discuss the Wesley Arms and the DelReal DRI, Town of Edgartown.

Mr. Early then moved to the next agenda item.

ITEM #5 - Discussion - Vineyard Crossing DRI, Town of Tisbury.

Ms. Skiver gave a staff update of the DRI (available in the DRI file). Ms. Skiver stated that at the public hearing there was some discussion of waste water. Each dwelling unit will have a 3-4 bedroom house with its own septic. At build out that would be 98 bedrooms with 3.5 bedrooms per lot. The proposed density is 6.8 bedrooms per acre. So under Title V, at 110 gallons per day that would be 10,780 gallons per day. So it would be under the 15,000 gallons per day limit for one contiguous lot. She reviewed the summary of correspondence not included in the previous staff notes as follows: TO: Carol Borer, FROM: Michael Solimando, Trustee, Chappaquonsett Realty Trust, DATED: January 17, 1989, RE: Objections to Vineyard Crossing Subdivision.

Feels he had not been notified of the public hearing due to a mistaken address. Feels density is significant and will have an adverse effect on the overall marketability of the Tashmoo Woods Development and possibly to the impact on Lake Tashmoo water quality. Feels Tashmoo Woods open spaces will be diminished by the visibility of the proposed homesites within Vineyard Crossing. Requests a meeting with the MVC to present concerns since he was not notified of the public hearing. TO: Carol Borer, MVC, FROM: Eugene Kelley & Michael Solimando, Jr., Trustees, Chappaquonsett Realty Trust. DATE: Received at LUPC meeting February 13, 1989. RE: Asked the MVC consider placing 4 restrictions on the Vineyard Crossing Subdivision. The last piece of correspondence was received tonight: TO: MVC and LUPC, FROM: Thomas Wallace, Vineyard Crossing, DATED: February 14, 1989. RE: Response to letter and testimony at the February 13, 1989 meeting from Chappaquonsett Realty Trust/Tashmoo Woods. In response we submit the following data that may be valuable to Commission members in deciding whether or not to reopen the public hearing for Vineyard Crossing subdivision. The development plan before the Commission has had no construction activity except rebuilding of the tennis courts. The 28 houses referred to in the January 18th letter are 18 houses and only one has been built in the past 10 years, by Mr. Leland who is not connected with Vineyard Crossing. Concerning Tashmoo Woods not being notified of the plans, Mr. Wallace met with Mr. Solimando prior to July 20, 1988 and showed him proposed plans when discussing the possibility of connecting the entry road at Tashmoo Woods with the Vineyard Crossing subdivision road. A public hearing notice was sent to them in the Planning Board process prior to August 17, 1988, public hearing in Tisbury. All notices have been published and articles about the project have been frequent. During an open house at Tashmoo Woods sales personnel pointed out the possibility of development of the Vineyard Crossing land to Island Brokers present. The letter stated that many of the numbers represented in Tashmoo Wood's letter are not correct and that the idea to use Vineyard Crossing land as a buffer is unreasonable and unnecessary for the well-being of their project. Ms. Skiver then responded to questions from the Commissioners.

Mr. McCavitt, Commissioner, asked about the open space and the trail through the over head power line? Ms. Skiver stated that is an existing unpaved, dirt road. Mr. McCavitt asked, this proposal will be encouraging use of this as a trail? Ms. Skiver said yes they will be regrading this area for just a walking trail, currently it is a vehicular trail. Mr. McCavitt asked if this use is compatible with the proposed use of the access road which crosses this area? Ms. Skiver stated that the Planning Board has asked for Boxberry to be dead ended, now it isn't. The walking section would be intersected by a paved road.

Mr. Evans asked on the studies eluded to on the effect of electro-magnetic power, are the voltages similar on these power lines in respect to these studies? Ms. Skiver stated that she isn't familiar with these studies. Ms. Colebrook stated that she has contacted the Regulatory Commission and gave them information provided according to Mr. Bettencourt. This particular power line is small by

comparison to off-Island types. When I gave him the profile of this particular line and he put it in his computer, as they would do for Florida State Regulations, he said that his calculations came out that it would require 100 ft. for a safe buffer of this power line. There are already 50 ft. on each side, he suggested an additional 50 ft. on each side. His configurations show that particular field gives out approximately 100-200 milligals dead center, about 80 milligals at 50 ft., and 10 and below at 100 ft. Florida State Regulatory Commission is the first one to come up with electro-magnetic field configurations and safety zones.

Mr. Early stated that if there were no more specific questions for Ms. Skiver at this point he would asked the chairman of LUPC to make a report.

Mr. Young stated that what we need first to decide is whether we should have a supplemental hearing. An abutter claims not to have received notification of the public hearing and therefore did not have a chance to give testimony at that public hearing. There is a possibility that the testimony they are offering in their letter would require a response from the applicant and is such that it would merit a public forum.

Mr. Early asked what procedure was followed? Ms. Borer responded it was sent by book mailing. Mr. Early asked if there was a return receipt? The response was no not in book mailing. According to the people here they have not even received their tax bill. Ms. Colebrook stated that as she understands it from the Board of Health it was not a change in ownership it was a change in management. These are the same names that were before us. Mr. Early asked, so the notification was done following normal procedures? The response was yes. Ms. Borer stated yes from an abutter's list certified by the assessor's office.

Mr. Evans asked if it is Mr. Young's understanding that the issue brought before us by the Tashmoo Woods people are as represented here? This is what they want to talk to us about? Mr. Young response was yes. He further stated that their verbal input at the LUPC did not go further than this letter does. They just expounded on what they put forth in the letter. Ms. Skiver's representation of it in the staff notes is accurate. These are the issues they wish to raise. Mr. Evans asked then haven't they already raised them? Mr. Young's response was yes they have raised them in LUPC.

Ms. Eber stated that the first letter was received when the record was still open. It was stated that the second one was not however. I think that the question is, if we reopen the hearing will we get further information than was provided already? Ms. Borer stated she does not believe so. As other members at LUPC will tell you they basically reiterated the same issues that Ms. Skiver presented from the letter. Ms. Eber stated then she doesn't see what could be gained from reopening the hearing.

Mr. Early asked if there was a consensus to proceed as our agenda reads? There was. Is there anyone who thinks that there should be a reconvening of the hearing? There were none. Mr. Early then asked if there was an LUPC recommendation.

Mr. Young stated there was no recommendation because of the information just discussed. We decided to put it to the Commission as to whether or not we should reopen the public hearing. Anyone from LUPC who wishes to open the discussion is welcome to, otherwise I will do so. He then continued by stating that regarding the Tashmoo Woods request, it seems to me that they are trying to hold the applicant to zoning requirements that they were held to. The applicant has pointed out that they are in the R-10 zone and that Tashmoo is in the R-50. The applicant has made some effort to do a transition between the two, he has cut down the density in his lots to approximately 12,000 sq. ft. average lot size. He stated that this coupled with the open space attempts to provide some sort of transition between the two zones. I think the request to provide 100 ft. buffers on the applicant's land is a bit presumptuous on the part of the Tashmoo Woods people. On the other hand I do have a problem with the density of this parcel of land. I do not see it as lending itself well to this kind of intensity of development. I think the threat to the proximity to the power line is an issue. I also think that the Tashmoo Woods subdivision did provide a 50 ft. buffer on their side and I think that this applicant could at least provide that. I do have concerns with the traffic. They abut a very intensely developed parcel of land and it seems that they will be adding considerably to the traffic in this area. I have problems with the plan as it is before us.

Mr. Morgan, Commissioner, stated that he also has a problem with the density. He feels that the answers to the questions regarding the rights of the power company concerning expansion in height, width, or increase in power within the 100 ft. strip need to be addressed. We are talking about what they are now. We should also consider what they may be. Mr. Early asked if the applicant could answer this. Mr. Wallace stated that their rights are to put their transmission wires within the 100 ft. easement, and to maintain them. Mr. Fischer, Commissioner, asked if they could put these underground? Mr. Wallace stated he has discussed this and the power company doesn't like to go underground and then have to come up. This is the major line that feeds the Island. It would mean the whole Island would have to go underground with their present policy.

Ms. Sibley, Commissioner, stated that putting together the information that Ms. Colebrook has provided with the information she has just heard she would assume that as the population of the Island increases substantially and that since that is our main source of power they could be adding additional lines and for additional voltage and therefore a stronger electro-magnetic field. One would assume they would almost have to. Is that a reasonable assumption? Ms. Sibley stated it would seem that this is something we should know. As I understand it by existing Florida regulations the existing electro-magnetic field would require a 200 ft. buffer and that does not include a possible increase in the electro-magnetic field.

Mr. Early asked if they wanted to increase the size or power of the transmission lines, would that come back to the Commission as a DRI since it is the subject of a previous DRI? He stated that the reliability of the existing power system was the subject of the all-Island Selectmen's meeting last night. It is going to be addressed.

Ms. Colebrook stated that she has problems with the density also. Her major concern as she has stated is the association of cancer risks with the electro-magnetic field. Although she agrees with Mr. Young that the requests from the Tashmoo Woods people are kind of outrageous, the sewage requirements came out to limit them to approximately 3.5 bedrooms per acres for nitrogen concentration density factor. These people at this buildout come out to a concentration of almost 7 bedrooms per acres for nitrogen concentration level. She wants to back that up by saying that Cape Cod has done studies and has initiated a 1 acre/2.5 - 3 bedroom safety factor build out for nitrogen loading and this has been done previously in the Town of Tisbury for other developments. So I think that 28 houses is pretty steep for a nitrogen concentration loading.

When there was no further discussion under Item #5, Mr. Early moved to the next agenda item.

ITEM #6 - Possible Vote - Vineyard Crossing DRI, Town of Tisbury

It was motioned and seconded to deny this DRI because the benefits of the proposed do not outweigh the detriments. As cited from Chapter 831: the development at the proposed location is not seen as being essential or especially appropriate in view of the available alternatives on the Island; the development in the manner proposed will have a less favorable impact on the environment in comparison to alternative manners of development; and the proposed development will adversely effect other persons and property and because of circumstances peculiar to the location the effects are likely to be greater than is ordinarily associated with the development of the type proposed. There was no further discussion. The motion to deny carried with a vote of 8 in favor, 1 opposed, 5 abstentions (Bryant, Evans, Filley, Sibley, McCavitt). (Allen abstained).

ITEM #6 - Possible Vote - Written Decision, MSPCA DRI, Town of Edgartown.

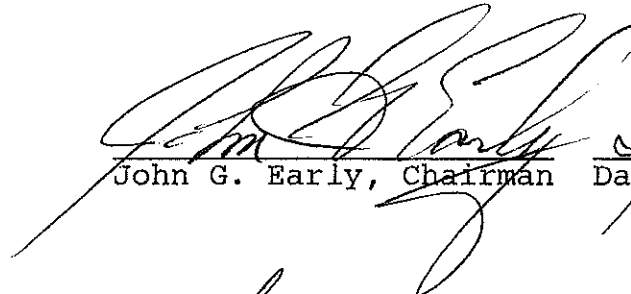
It was motioned and seconded to approve the MSPCA written decision as prepared. There was no discussion. This motion carried with a vote of 12 in favor, 0 opposed, 2 abstentions (Fischer, McCavitt). (Allen was in favor).

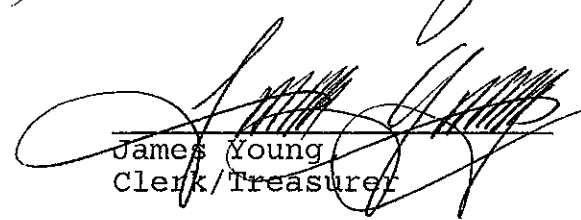
ITEM #7 - New Business - There was none.

ITEM #8 - Correspondence - There was none.

The meeting was adjourned at 11:20 p.m.

ATTEST


John G. Early, Chairman Date 3/2/89


James Young
Clerk/Treasurer Date 3/2/89

Attendance:

Present: Bryant, Colebrook, Early, Eber, Evans, Filley, Fischer, Jason, Lee, Morgan, Sibley, Wey, Young, McCavitt, Allen.

Absent: Ewing, Medeiros, Scott, Delaney, Geller, Harney.